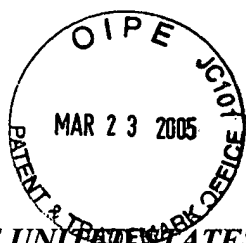


USSN: 10/054,710



03-24-05

Atty. Dkt. No.: 047940-0119

Rce/164
JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Koichi MASUDA *et al.*
Title: TISSUE ENGINEERED CARTILAGE FOR DRUG DISCOVERY
Appl. No.: 10/054,710
Appl. Filing Date: 1/22/2002
Examiner: Ruth A. Davis
Art Unit: 1645

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)
 - a. Previously submitted:
☐ Please enter and consider the amendment/reply previously filed on ____.
☐ Please consider the Affidavit(s)/Declaration(s) previously filed on ____ but not considered.

03/25/2005 AWONDAF1 00000101 10054710

01 FC:2801

395.00 DP

☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ____.

☐ Other ____.

b. Enclosed are:

☒ Amendment/Reply.

☒ Affidavit(s)/Declaration(s).

☐ Other.

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ____ months.

The filing fee is calculated below:

| | Claims as Amended | Previously Paid For | Extra Claims Present | Rate | Fee Totals |
|--|-------------------|---------------------|----------------------|------------|------------|
| RCE Fee 1.17(e): | | | | \$790.00 | = \$790.00 |
| Total Claims: | 31 | - 35 | = 0 | x \$50.00 | = \$0.00 |
| Independents | 2 | - 2 | = 0 | x \$200.00 | = \$0.00 |
| First presentation of any Multiple Dependent Claims: | | | | + \$360.00 | = \$0.00 |
| CLAIMS FEE TOTAL: | | | | | = \$790.00 |

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

| | | | | |
|-------------------------------------|---|------------|---|----------|
| <input type="checkbox"/> | Extension for response filed within the first month: | \$120.00 | 0 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the second month: | \$450.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the third month: | \$1,020.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fourth month: | \$1,590.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fifth month: | \$2,160.00 | | \$0.00 |
| | EXTENSION FEE SUBTOTAL: | | | \$0.00 |
| | EXTENSION FEE ALREADY PAID: - | | | \$0.00 |
| | EXTENSION FEE TOTAL | | | \$0.00 |
| | CLAIMS AND EXTENSION FEE TOTAL: | | | \$790.00 |
| <input checked="" type="checkbox"/> | Small Entity Fees Apply (subtract ½ of above): | | | \$395.00 |
| <input type="checkbox"/> | Suspension of action requested under 37 C.F.R. § 1.103(c) | | | \$0.00 |
| | TOTAL FEE: | | | \$395.00 |

☒ A check in the amount of \$395.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date March 23, 2005

By Kathryn E. Cox

FOLEY & LARDNER LLP
 Customer Number: 23524
 Telephone: (608) 258-4277
 Facsimile: (608) 258-4258

Kathryn E. Cox
 Attorney for Applicant
 Registration No. 55,089

USSN: 10/054,710



Atty. Dkt. No.: 047940-0119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Koichi MASUDA *et al.*

Title: TISSUE ENGINEERED CARTILAGE FOR DRUG DISCOVERY

Appl. No.: 10/054,710

Filing Date: 1/22/2002

Examiner: Ruth A. Davis

Art Unit: 1645

SUBMISSION ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Final Office Action dated December 23, 2004, concerning the above-referenced patent application. The three-month shortened statutory period for response to the Office Action is set to expire on March 23, 2005, and with the acceptance of the accompanying petition and fee, Applicants believe that this response is timely filed. No additional fee is believed to be due for this filing; however, should any additional fee be due, the Patent Office is hereby authorized to charge such fees to deposit account No. 50-2350. Additionally, should no separate petition for an extension of time accompany the present Reply or the petition be improper, Applicants hereby petition for extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 50-2350 in order to make this communication timely. For the purpose of charging said deposit account, duplicates of page 1 and the signature page of this response are submitted herewith.

Listing of the Claims begin on page 2 of this document.

Remarks/Arguments begin on page 8 of this document.